

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW RITTER,

Plaintiff,

v.

MIKE MARSHOWSKI, *et al.*,

Defendants.

3:12-cv-00194-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#18¹) entered on October 31, 2014, rescreening Plaintiff's pro-se Complaint (#5) filed on July 9, 2012. No objection was filed. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#18) entered on October 31, 2014, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#18) entered on October 31, 2014, is adopted and accepted as follows:

¹Refers to court's docket number.

(1) Plaintiff is permitted to **PROCEED** with his claims under the Fourteenth and Fourth Amendments for fabrication of evidence and malicious prosecution against defendant Marshowski;

(2) Plaintiff's claims of false arrest and false imprisonment are **DISMISSED with prejudice**;


(3) Plaintiff's claims under Fourteenth and Fourth Amendments for fabrication of evidence and malicious prosecution against defendants Hughes, Hildreth, Spring and Galeti are **DISMISSED without prejudice and with leave to amend**;

(4) Plaintiff is given thirty (30) days from the entry of this order to file an amended complaint correcting the deficiencies noted in the Report and Recommendation (#18) with respect to defendants Hughes, Hildreth, Spring and Galeti. Plaintiff is advised that any amended complaint shall be complete in and of itself without reference to any previous complaint. Any allegations, parties or requests for relief from prior papers that are not carried forward in the amended complaint will no longer be before the court. Plaintiff shall clearly title the amended complaint as such by placing the words "AMENDED COMPLAINT" on page 1 in the caption and shall place the case number above the words "AMENDED COMPLAINT" in the space for "Case No." Plaintiff is cautioned that if he fails to file an amended complaint within the time period specified above, the claims against these defendants will be dismissed.

5. The issue of service will be addressed once the deadline for filing the amended complaint runs, or Plaintiff files an amended complaint, whichever occurs first.

IT IS SO ORDERED.

DATED this 24th day of February, 2015.


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE